



PROCUREMENT SERVICES MANUAL

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INTRODUCTION

This Utah Department of Transportation Procurement Services Manual contains practical information regarding Procurement Services. Procurement Services is responsible for the acquisition of all equipment, materials, supplies and services required to fulfill the mission of the Utah Department of Transportation. Procurement Services provides centralized support for the entire department, which works to connect all of Utah communities together with the help of a first-class transportation system. This manual is designed to assist with that standard by simplifying and clarifying the procurement process, to define authority and roles within procurement, and to outline State and Federal codes and rules.

This manual is meant as a guide only. No single manual can cover every possible situation. We encourage you to contact UDOT Procurement Manager for assistance with any problems or situations not addressed in this manual.

Links to Procurement Codes and Rules

Utah Procurement Code

<http://purchasing.utah.gov/legal/Procurementcode.pdf>

Utah Administrative Code

<http://www.rules.utah.gov/publicat/code/r033/r033.htm>

UDOT Policies and Procedures

<https://innerdot.udot.org/index.php?m=c&tid=62>

Forms

<http://purchasing.utah.gov/contractinfo/info.htm>

Links to Contracts

UDOT Agency Contracts

<https://app.udot.utah.gov/procurement/contracts>

State Contracts

<http://purchasing.utah.gov/statewidecontracts/>

Link to Procurement Services' Online Requisition System

Procurement Services Online

<https://app.udot.utah.gov/procurement/psa>

CHAPTER ONE

1-1. Procurement Organization

These links are the statutes for the internal procurement organization. They will show you who may authorize certain purchases and where authority may be delegated. They also explain the duties and responsibilities of the State of Utah's Chief Procurement Officer. UDOT Procurement receives permission to make purchases from the Chief Procurement Officer's delegations.

63-56-201 Creation of procurement policy board.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29007.htm

63-56-202 Powers and duties of board.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29008.htm

63-56-203 Chief procurement officer -- Appointment -- Qualifications.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29009.htm

63-56-204 Duties of chief procurement officer.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29010.htm

63-56-205 Delegation of authority.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29011.htm

63-56-206 Transfer of power to policy board.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29012.htm

63-56-207 Specific statutory authority.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29013.htm

63-56-208 Rules and regulations of policy board and building board.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29014.htm

63-56-209 Procurement Advisory Council.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29015.htm

1-2. Intergovernmental Relations

These are procedures for intergovernmental relations. This includes making agreements and using services between public procurement units. Also it has information regarding conflict in a cooperative purchasing agreement and resolutions of local public procurement controversies.

63-56-901 Agreements between public procurement units.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29079.htm

63-56-902 Services between public procurement units.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29080.htm

63-56-903 Payments between public procurement units.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29081.htm

63-56-904 Compliance by one public procurement unit pursuant to agreement considered compliance by others to agreement.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29082.htm

63-56-905 Chief procurement officer to collect information as to supplies, etc.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29083.htm

63-56-906 Resolving controversy arising under a cooperative purchasing agreement.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29084.htm

63-56-907 Resolution of local public procurement controversies.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29085.htm

1-3. Purchasing Authority

This authority was delegated to the UDOT Procurement Services Manager. This applies *only* to UDOT's Procurement Division. The following applies when the product or service is not covered by a statewide or agency contract.

1. Small purchases less than \$30,000: For purchases up to \$1,000, you may select the best source without seeking competitive quotes. For purchases over \$1,000 and up to \$30,000, you shall obtain price competition from at least two (preferably three) sources, and shall purchase the item from the vendor offering the lowest quote. The dollar limit is inclusive of any change order.
2. Sole Source and Proprietary up to \$30,000: Make and document Sole Source and proprietary purchases up to \$30,000 in accordance with Procurement Rule R33-3-4 Sole Source Requirements. If only one quote is received, after researching and having contacted all potential sources for the desired commodity or service, that quote may be considered a sole source.
3. Emergency Repairs and Services Relating to Repairs up to \$30,000: When an emergency exists as defined in the Procurement Rules R33-3-5 Emergency Procurements, repairs may be made up to \$30,000.
4. Emergency Exempt From Statewide Contract Use: When an emergency requirement has been determined, and the statewide contract vendor is unable to respond to the need, then the best available vendor may be selected in accordance with (3) above.
5. Local Media Advertising: Procure advertising space and radio spots for the purpose of advertising directly with your selected sources.
6. Professional Training Services up to \$10,000: Procure professional training services up to \$10,000 from nationally or locally recognized experts in transportation related training subjects and skills.

All other state procurement statutes, rules, policies, and procedures apply. Agency will prepare and retain documentation pertaining to justification for purchases for audit purposes.

CHAPTER TWO

2-1. State Purchasing Flow Chart

This is a flow chart that shows proper channels/procedures when making purchases. It will take you step-by-step to help you choose the correct route with diverse purchase amounts.

<http://purchasing.utah.gov/legal/FlowChartPurchasingPolicies.pdf>

2-2. UDOT Purchasing Procedures

This is UDOT-specific purchasing procedure. These are to be used by internal UDOT purchasers only. This section breaks down the different types of purchases, how to make them, and who is responsible for those purchases.

<https://innerdot.udot.org/download.php?tid=66&file=05e-1.pdf>

CHAPTER THREE

3-1. Purchasing Card Manual

This is the complete purchasing card program. The Purchasing Card or P-Card is a Visa credit card that is designed to supplement or eliminate a variety of processes including petty cash, local check writing, low-value authorizations and small-dollar purchase orders. It provides a more efficient, cost-effective method of purchasing and payment for small dollar transactions. The P-Card can be used for in-store purchases as well as mail, e-mail, telephone and fax orders. Each card will have pre-established and monthly credit limits. Additional limits can also be placed on the dollar amount of each transaction and the number of daily transactions per day. The P-Card will have certain Merchant Category Codes (MCCs) blocked to prevent it from being used with inappropriate or high-risk suppliers.

<http://purchasing.utah.gov/EPS/pcard.htm> -- Home page

[Policy and Procedures Manual](#)

[Purchasing Card Application](#)

[Purchasing Card Dispute Form](#)

[Purchasing Card Transaction Log](#)

[Purchasing Card Agreement Form](#)

CHAPTER FOUR

4-1. Types of Contracts

This is general information on contracts and doing business with the State of Utah. This guide shows suppliers the procedures governing the sale of commodities and services to the State of Utah. It has some basic definitions and guidelines.

<http://purchasing.utah.gov/vendor/Vendorgd.pdf>

The link below has more in-depth information on selecting contracts and types of contracts. The selection of an appropriate contract type depends on factors such as the nature of the supplies, services or construction to be procured, the uncertainties which may be involved in contract performance, and the extent to which the purchasing agency or the contractor is to assume the risk of the cost of performance of the contract. Contract types differ in the degree of responsibility assumed by the contractor for the costs of performance and the amount and kind of profit incentive offered to the contractor to achieve or exceed specified standards or goals.

<http://www.rules.utah.gov/publicat/code/r033/r033-003.htm#T7>

4-2. Source Selection Method Overview

This is general information on source selection and doing business with the State of Utah. It defines common source-selection terms and the acronyms for them.

<http://purchasing.utah.gov/vendor/Vendorgd.pdf>

4-3. Procurement Purchasing Preferences

These links are the statutes on preferences for recycled products and alkaline paper. Procurement is required to use recycled paper and paper products for at least 50 percent of the time with a few exceptions outlined in the code. Procurement should also use alkaline paper to the extent possible, except for the cases where it is not appropriate as defined by the code.

63-56-403 Procurement -- Use of recycled goods.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29021.htm

63-56-406 Preference for recycled paper and paper products.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29022.htm

63-56-407 Use of alkaline paper.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29025.htm

The following two links leads to the statute on preference for providers of state products. Bidders that offer goods, supplies, equipment, materials or printing that are produced, manufactured, mined, grown or performed in Utah shall be given reciprocal preference over bidders from another state with a preference law. <http://purchasing.utah.gov/legal/pref.htm>

63-56-404 Preference for providers of state products.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29022.htm

This is the statute on preference for residential contractors. Bidders that either have their principle place of business in Utah, or that employs workers who are residents of this state, and was transacting business when bids for the public contract were first solicited shall receive reciprocal preference over nonresidential contractors.

63-56-405 Preference for resident contractors.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29023.htm

This is the statute on requirements for purchasing prison industry goods. All public procurement units shall purchase goods and services produced by the Utah Correctional Industries division unless there is an exemption as shown in the code.

63-56-423 Purchase of prison industry goods.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29041.htm

This is the statute on preference for sheltered workshops. Sheltered workshops are specifically defined in this section. This section can even prevail over other preferences given by the state.

63-56-425 Purchase from sheltered workshops.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29043.htm

CHAPTER FIVE

5-1 General

These links are general bidding procedures including cancellation and rejection of bids, when a bidder is nonresponsive, prequalification of suppliers, auditing of books, certain prohibited contracts, period of time for contract of supplies, inspections, determinations finality, collusion, records required and exemptions.

63-56-412 Cancellation and rejection of bids.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29030.htm

63-56-413 Determination of nonresponsibility of bidder.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29031.htm

63-56-414 Prequalification of suppliers.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29032.htm

63-56-415 Rules and regulations to determine allowable incurred costs -- Required information -- Auditing of books.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29033.htm

63-56-416 Cost-plus-a-percentage-of-cost contract prohibited.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29034.htm

63-56-417 Period of time for contract of supplies.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29035.htm

63-56-418 Right of state to inspect place of business of contractor or subcontractor.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29036.htm

63-56-419 Determinations final except when arbitrary and capricious.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29037.htm

63-56-420 Factual information to attorney general if collusion suspected.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29038.htm

63-56-421 Records of contracts made.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29039.htm

63-56-422 Exemptions from source selection and contract requirements -- Violation penalty.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29040.htm

R33-3-6. Responsibility.

<http://www.rules.utah.gov/publicat/code/r033/r033-006.htm>

R33-3-8. Cost or Pricing Data and Analysis; Audits.

<http://www.rules.utah.gov/publicat/code/r033/r033-003.htm#T8>

R33-3-9. Plant or Site Inspection; Inspection of Supplies or Services.

<http://www.rules.utah.gov/publicat/code/r033/r033-003.htm#T9>

5-2. Small Purchases

These are statutes and rules on making small purchases. This section classifies small purchases for each type of purchasing and amount limits on those purchases.

63-56-409 Small purchases.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29027.htm

R33-3-3. Small Purchases.

<http://www.rules.utah.gov/publicat/code/r033/r033-003.htm#T3>

5-3. Emergency Purchases

These are statutes and rules for emergency purchases. This section defines emergency purchasing and puts a limit on the amount without written authorization allowing extended amounts.

63-56-411 Emergency procurements.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29029.htm

R33-3-5. Emergency procurements.

<http://www.rules.utah.gov/publicat/code/r033/r033-003.htm#T5>

5-4. Insurance Procurement

This is a link to the procedures for bidding for insurance. This has procedures for all new or renewal liability insurance purchases regardless of premium size and all other new or renewal insurance purchases over \$5,000 annual premium will be made after advertisement for public bid, in accordance with these rules, except in cases of emergency for nonliability policies.

R33-9-101. Standard Bidding Method.

<http://www.rules.utah.gov/publicat/code/r033/r033-009.htm#T1>

R33-9-102. Alternate Bidding Method.

<http://www.rules.utah.gov/publicat/code/r033/r033-009.htm#T2>

5-5: Sole Source Procurement

These are statutes and rules for sole source procurement. Sole source procurement shall be used only if a requirement is reasonably available from a single supplier. A requirement for a particular proprietary item does not justify a sole-source procurement if there is more than one potential bidder or offeror for that item.

63-56-410 Circumstances justifying award of contract without competition.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29028.htm

R33-3-4. Sole Source Procurement.

<http://www.rules.utah.gov/publicat/code/r033/r033-003.htm#T4>

This link will open a document allowing you to put in a request for Sole Source qualifications.

<http://www.purchasing.utah.gov/contractinfo/Sole%20Source%20Request%20Form.doc>

CHAPTER SIX

6-1. Sealed Bidding

These are links for sealed bidding procedures, including multi-step bidding and reverse auctions. These procedures include invitations, public notice, bid openings, recording of bids, bid acceptance, erroneous bids and bid awarding.

63-56-401 Contracts awarded by sealed bidding -- Procedure.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29019.htm

63-56-402 Contracts awarded by reverse auction.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29020.htm

R33-3-1. Competitive Sealed Bidding; Multi-Step Sealed Bidding.

<http://www.rules.utah.gov/publicat/code/r033/r033-003.htm#T1>

This link will open a multi-step bidding manual that further clarifies multi-step bidding and provides templates. Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical bids to be evaluated by the purchasing agency, and a second phase in which those bidders whose technical bids are determined to be acceptable during the first phase have their price bids considered. It is designed to obtain the benefits of competitive sealed bidding by award of a contract to the lowest responsive, responsible bidder, and at the same time obtain the benefits of the request for proposal (RFP) process through the solicitation of technical bids and the conduct of discussions to arrive at technical bids and terms acceptable to the purchasing agency and suitable for competitive pricing. One advantage over a standard invitation to bid process is the aspect within the multi-step process that allows for discussions with the bidder, and the opportunity for the bidder to then modify their technical bid allowing the state to have more qualified bidders.

<http://purchasing.utah.gov/contractinfo/Multi-step%20Bid%20Manual%202.13.04%20MS%20Word%20Version.doc>

6-2. Request for Proposals

These are links for RFP bidding procedures. RFP is used when an authorized person determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the state.

63-56-408 Use of competitive sealed proposals in lieu of bids -- Procedure.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29026.htm

R33-3-2. Competitive Sealed Proposals.

<http://www.rules.utah.gov/publicat/code/r033/r033-003.htm#T2>

This link will open a manual that further clarifies RFP (Request for Proposal) bidding and provides templates. An RFP is one of several procurement tools. The State Purchasing agent will determine if the RFP process is appropriate. Generally, most products and services can be procured through the Invitation to Bid (IFB) process. At times, the RFP process may be a better tool. Among the criteria the Purchasing agent will consider areas follows: specifications or the needs of the agency cannot be clearly defined; the agency has defined a need and requests the Offerors to propose the best method for accomplishing it; cost is

only one criterion in determining the award and needs to be weighed against other factors in determining the best value; and other factors as deemed appropriate by Purchasing.

<http://purchasing.utah.gov/contractinfo/RFPManual.doc>

6-3. Phone Quotes (for purchases under \$5,000)

This provides guidelines for using phone quotations and a telephone quotation worksheet. This includes step-by-step guidelines and when telephone quotations are appropriate. Also provides information on disclosure of other bids.

<http://www.purchasing.utah.gov/contractinfo/Phone%20quotation.pdf>

<http://www.udot.utah.gov/admin/preview/index.php?m=c&tid=1297&item=21037>

CHAPTER SEVEN

7-1. Architect/Engineer Code

These are statutes and rules for architect/engineering procurement. As required by Sections 63-56-501, 63-56-504 (2), 63-56-506 and 63-56-601 (1), this rule contains provisions applicable to (1) selecting the appropriate method of management for construction contracts, that is, the contracting method and configuration that will most likely result in timely, economical and otherwise successful completion of the construction project; (2) establishing appropriate bid, performance and payment bond requirements including criteria allowing for waiver of these requirements; and (3) governing appropriate contract provisions. The provisions of this chapter shall apply to all procurements of construction that are estimated to be greater than \$50,000. Procurement of construction expected to be less than \$50,000 shall be made in accordance with R33-3-3 (Small Purchases) except bid bonds, performance bonds and payment bonds shall be required unless waived in accordance with R33-5-355 (Waiver of Bonding Requirements on Small Projects).

63-56-701 Policy regarding architect-engineer services.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29054.htm

63-56-702 Selection committee for architect-engineer services.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29055.htm

63-56-703 Selection as part of design-build or lease.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29056.htm

63-56-704 Determination of compensation for architect-engineer services.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29057.htm

63-56-705 Restrictions on state agency procurement of architect-engineer services.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29058.htm

R33-5-510. Application.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T39>

R33-5-520. Policy.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T40>

R33-5-525. Annual Statement of Qualifications and Performance Data.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T41>

R33-5-527. Billing Rate Survey.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T42>

R33-5-530. Small Purchases of Architect-Engineer Services.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T43>

R33-5-540. Architect-Engineer Selection Committee.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T44>

R33-5-550. Public Notice.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T45>

R33-5-560. Request for Statements of Interest.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T46>

R33-5-570. Definition of Scope of Work.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T47>

R33-5-580. Evaluation of Statements of Interest, Qualifications and Performance Data.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T48>

R33-5-590. Selection of Firms for Discussions.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T49>

R33-5-600. Discussions.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T50>

R33-5-610. Selection of the Most Qualified Firms.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T51>

R33-5-620. Negotiation and Award of Contract.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T52>

R33-5-630. Failure to Negotiate Contract with the Most Qualified Firm.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T53>

R33-5-640. Notice of Award.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T54>

R33-5-650. Failure to Negotiate Contract with Firms Initially Selected as Most Qualified.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T55>

7-2. Construction Code

These are statutes and rules for architect/engineering procurement. As required by Sections 63-56-501, 63-56-504 (2), 63-56-506 and 63-56-601 (1), this rule contains provisions applicable to (1) selecting the appropriate method of management for construction contracts, that is, the contracting method and configuration that will most likely result in timely, economical and otherwise successful completion of the construction project; (2) establishing appropriate bid, performance and payment bond requirements including criteria allowing for waiver of these requirements; and (3) governing appropriate contract provisions. The provisions of this chapter shall apply to all procurements of construction that are estimated to be greater than \$50,000. Procurement of construction expected to be less than \$50,000 shall be made in accordance with R33-3-3 (Small Purchases) except bid bonds, performance bonds and payment bonds shall be required unless waived in accordance with R33-5-355 (Waiver of Bonding Requirements on Small Projects).

63-56-501 Alternative methods of construction contracting management.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29045.htm

63-56-502 Procurement of design-build transportation project contracts.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29046.htm

http://www.le.state.ut.us/~code/TITLE63/htm/63_29047.htm

R33-5-101. Purpose and Authority.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T1>

R33-5-102. Application.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T2>

R33-5-201. Methods of Construction Contract Management.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T3>

R33-5-220. Selection Documentation.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T4>

R33-5-230. Single Prime Contractor: Use with Sequential Design and Construction.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T5>

R33-5-231. Single Prime Contractor: Use with Phased Design and Construction.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T6>

R33-5-232. Single Prime Contractor: Contractual Provisions.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T7>

R33-5-240. Multiple Prime Contractors: Use with Sequential Design and Construction, and with Phased Design and Construction.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T8>

R33-5-241. Multiple Prime Contractors: Contractual Provisions.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T9>

R33-5-250. Design-Build or Turnkey: Use.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T10>

R33-5-251. Design-Build or Turnkey: Contractual Provisions.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T11>

R33-5-260. Construction Manager: Use.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T12>

R33-5-262. Construction Manager: Contractual Provisions.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T13>

R33-5-270. Sequential Design and Construction: Use.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T14>

R33-5-280. Phased Design and Construction: Use.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T15>

R33-5-281. Phased Design and Construction: Contractual Provisions.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T16>

7-3. Bid Security

Invitations for Bids on State construction contracts estimated to exceed \$50,000 shall require the submission of bid security in an amount equal to at least 5 percent of the bid at the time the bid is submitted. If a contractor fails to accompany its bid with the required bid security, the bid shall be deemed non-responsive, in accordance with Section R33-3-112 (Bid Evaluation and Award, Responsibility and Responsiveness) except as provided by Section R33-5-313 (Non-substantial Failure to Comply).

63-56-503 Bid security requirements -- Directed suretyship prohibited -- Penalty.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29048.htm

R33-5-311. Bid Security: General.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T17>

R33-5-312. Bid Security: Acceptable Bid Security.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T18>

R33-5-313. Bid Security: Nonsubstantial Failure to Comply.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T19>

7-4. Bonds

A performance bond is required for all construction contracts in excess of \$50,000, in the amount of 100 percent of the contract price. The performance bond shall be delivered from the contractor to the State at the same time the contract is executed. If a contractor fails to deliver the required performance bond, the contractor's bid shall be rejected, its bid security shall be enforced, and award of the contract shall be made to the next lowest bidder.

A payment bond is required for all construction contracts in excess of \$50,000, in the amount of 100 percent of the contract price. The payment bond shall be delivered from the contractor to the State at the same time the contract is executed. If a contractor fails to deliver the required payment bond, the contractor's bid shall be rejected, its bid security shall be enforced, and award of the contract shall be made to the next lowest bidder.

63-56-503 Bid security requirements -- Directed suretyship prohibited -- Penalty.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29048.htm

63-56-504 Bonds necessary when contract is awarded -- Waiver -- Action -- Attorneys' fees.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29049.htm

63-56-505 (Effective 05/01/05) Preliminary notice requirement.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29050.htm

63-56-506 Form of bonds -- Effect of certified copy.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29051.htm

R33-5-321. Performance Bonds: General.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T20>

R33-5-331. Payment Bonds: General.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T21>

R33-5-341. Bond Forms.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T22>

R33-5-350. Waiver of Bonding Requirements on Any Project.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T23>

R33-5-355. Waiver of Bonding Requirements on Small Projects.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T24>

7-5. Required Construction Contract Clauses

These are links to both mandatory clauses and optional clauses for construction contracts. Rules and regulations shall require for state construction contracts and may permit or require for state contracts for supplies and services the inclusion of clauses providing for adjustments in prices, time of performance, or other appropriate contract provisions, and covering the following subjects: (a) the unilateral right of the state to order in writing changes in the work within the scope of the contract and changes in the time of performance of the contract that do not alter the scope of the contract work; (b) variations occurring between estimated quantities of work in a contract and actual quantities; (c) suspension of work ordered by the state; and (d) site conditions differing from those indicated in the construction contract, or ordinarily encountered, except that differing site conditions clauses required by the rules and regulations need not be included in a construction contract when the contract is negotiated, when the contractor provides the site or design, or when the parties have otherwise agreed with respect to the risk of differing site conditions.

63-56-601 Required contract clauses -- Computation of price adjustments -- Use of rules and regulations.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29052.htm

63-56-602 Certification of change order.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29053.htm

R33-5-401. Construction Contract Clauses: Introduction.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T25>

R33-5-402. Mandatory Construction Contract Clauses.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T26>

R33-5-403. Optional Construction Contract Clauses.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T27>

R33-5-410. Construction Contract Clauses: Revisions to Contract Clauses.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T28>

R33-5-420. Construction Contract Clauses: Changes Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T29>

R33-5-430. Construction Contract Clauses: Variations in Estimated Quantities Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T30>

R33-5-440. Construction Contract Clauses: Suspension of Work Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T31>

R33-5-450. Construction Contract Clauses: Differing Site Conditions Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T32>

R33-5-460. Construction Contract Clauses: Price Adjustment Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T33>

R33-5-470. Construction Contract Clauses: Claims Based on a Procurement Officer's Actions or Omissions Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T34>

R33-5-480. Construction Contract Clauses: Default-Delay-Time Extensions Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T35>

R33-5-490. Construction Contract Clauses: Liquidated Damages Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T36>

R33-5-495. Construction Contract Clauses: Termination for Convenience Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T37>

R33-5-497. Construction Contract Clauses: Remedies Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-005.htm#T38>

CHAPTER EIGHT

8-1. Cost Principles

These are statutes and rules for cost principles. Rules and regulations may be promulgated to set forth cost principles to be used to determine the allowability of incurred costs for the purpose of reimbursing costs under contract provisions which provide for the reimbursement of costs; provided that if a written determination is approved at a level above the procurement officer, the cost principles may be modified by contract.

63-56-415 Rules and regulations to determine allowable incurred costs -- Required information -- Auditing of books.

http://www.leg.state.ut.us/~code/TITLE63/htm/63_29033.htm

R33-7-101. Applicability of Cost Principles.

<http://www.rules.utah.gov/publicat/code/r033/r033-007.htm#T1>

R33-7-102. Allowable Costs.

<http://www.rules.utah.gov/publicat/code/r033/r033-007.htm#T2>

R33-7-103. Reasonable Costs.

<http://www.rules.utah.gov/publicat/code/r033/r033-007.htm#T3>

R33-7-104. Allocable Costs.

<http://www.rules.utah.gov/publicat/code/r033/r033-007.htm#T4>

R33-7-105. Treatment of Specific Costs.

<http://www.rules.utah.gov/publicat/code/r033/r033-007.htm#T5>

R33-7-106. Costs Requiring Prior Approval to be Allowable.

<http://www.rules.utah.gov/publicat/code/r033/r033-007.htm#T6>

R33-7-107. Applicable Credits.

<http://www.rules.utah.gov/publicat/code/r033/r033-007.htm#T7>

R33-7-108. Advance Agreements.

<http://www.rules.utah.gov/publicat/code/r033/r033-007.htm#T8>

R33-7-109. Use of Federal Cost Principles.

<http://www.rules.utah.gov/publicat/code/r033/r033-007.htm#T9>

R33-7-110. Authority to Deviate from Cost Principles.

<http://www.rules.utah.gov/publicat/code/r033/r033-007.htm#T10>

CHAPTER NINE

9-1. Contract Coversheets and Checklist

This link will open a contract cover sheet for the State of Utah that allows you to fill in fields.

<http://www.purchasing.utah.gov/contractinfo/Contract%20-%20Agency%20-%2030%20Sept%202003.doc>

This link is for non-standard contracts. The link will open a cover sheet that allows you to fill in fields.

<http://www.purchasing.utah.gov/contractinfo/Cover%20Sheet%20for%20Contracts.doc>

This link is a checklist for contracts.

<http://www.purchasing.utah.gov/contractinfo/ContractChecklist.doc>

9-2. Standard Terms and Conditions

This is a link to Agency standard terms and conditions.

<http://www.purchasing.utah.gov/contractinfo/TermsAgency.doc>

This is a link to State Cooperative standard terms and conditions.

<http://www.purchasing.utah.gov/contractinfo/TermsStatewide.doc>

This is a link to Purchase Order standard terms and conditions.

<http://www.purchasing.utah.gov/contractinfo/TermsPurchaseOrder.doc>

9-3. Scope of Work

This link will open examples and includes further information about scope of work attachments.

<http://www.purchasing.utah.gov/contractinfo/Scope%20of%20Work%20Guide%203-10-03.doc>

CHAPTER TEN

10-1. Specifications

This link opens a general guide to doing business with the State of Utah and includes information on specifications. Specifications and/or descriptions are written to provide suppliers with detailed information about the goods and/or services needed so they may accurately project for bidding.

<http://purchasing.utah.gov/vendor/Vendorgd.pdf>

These are rules for specifications. (1) Purpose. Specifications shall be drafted with the objective of clearly describing the purchasing agency's requirements and of encouraging competition. The purpose of a specification is to serve as a basis for obtaining a supply, service or construction item adequate and suitable for the purchasing agency's needs in a cost-effective manner, taking into account, to the extent practicable, the costs of ownership and operation as well as initial acquisition costs. (2) Use of Functional or Performance Descriptions. Specifications shall, to the extent practicable, emphasize functional or performance criteria while limiting design or other detailed physical descriptions to those necessary to meet the needs of the purchasing agency. To facilitate the use of the criteria, using agencies shall endeavor to include as a part of their purchase requisitions the principal functional or performance needs to be met. It is recognized, however, that the preference for use of functional or performance specifications is primarily applicable to the procurement of supplies and services. This preference is often not practicable in construction, apart from the procurement of supply-type items for a construction project. (3) Preference for Commercially Available Products. It is the general policy that requirements be satisfied by standard commercial products whenever practicable.

63-56-301 Rules and regulations for specifications of supplies.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29016.htm

63-56-302 Duty of chief procurement officer in maintaining specifications of supplies.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29017.htm

63-56-303 Purpose of specifications.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29018.htm

R33-4-1. General Provisions.

<http://www.rules.utah.gov/publicat/code/r033/r033-004.htm#T1>

CHAPTER ELEVEN

11-1. Modification and Termination Contract Clauses

These are procedures for modification and termination contract clauses. These clauses are built into the contract to specifically delineate what action may be taken and what the consequences of that action are.

R33-6-101. Revisions to Contract Clauses.

<http://www.rules.utah.gov/publicat/code/r033/r033-006.htm#T1>

R33-6-102. Changes Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-006.htm#T2>

R33-6-103. Stop Work Order Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-006.htm#T3>

R33-6-104. Variations in Estimated Quantities Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-006.htm#T4>

R33-6-105. Price Adjustment Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-006.htm#T5>

R33-6-106. Termination for Default Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-006.htm#T6>

R33-6-107. Liquidated Damages Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-006.htm#T7>

R33-6-108. Termination for Convenience Clause.

<http://www.rules.utah.gov/publicat/code/r033/r033-006.htm#T8>

R33-6-109. Novation, Assignment or Change of Name.

<http://www.rules.utah.gov/publicat/code/r033/r033-006.htm#T9>

11-2. Purchase Order Change Request

This link will open a document to request for a change in a purchase order.

<http://purchasing.utah.gov/contractinfo/Purchase%20Order%20Change%20Request.doc>

11-3. Amendment Coversheet

This link will open a template of an amendment cover sheet that allows you to fill in fields.

<http://www.udot.utah.gov/admin/preview/download.php/tid=1297/AMENDMENT%20to%20UDOT%20CONTRACTS.dot>

This link will open an amendment cover sheet for non-standard contracts that allows you to fill in fields.

<http://purchasing.utah.gov/contractinfo/Cover%20Sheet%20for%20Amendments.doc>

This is a link to a checklist for amending contracts.

<http://purchasing.utah.gov/contractinfo/AmendmentChecklist.doc>

11-4. Assignment Change Form

This link will open an assignment change form that allows you to fill in fields.

<http://purchasing.utah.gov/contractinfo/AssignmentForm.doc>

11-5. Legal and Contractual Remedies

These are statutes for legal and contractual remedies. (1) Any actual or prospective bidder, offeror or contractor who is aggrieved in connection with the solicitation or award of a contract may protest to the chief procurement officer or the head of a purchasing agency. A protest with respect to an invitation for bids or a request for proposals shall be submitted in writing prior to the opening of bids or the closing date for proposals, unless the aggrieved person did not know and should not have known of the facts giving rise to the protest prior to bid opening or the closing date for proposals. The protest shall be submitted in writing within five working days after the aggrieved person knows or should have known of the facts giving rise thereto. (2) The chief procurement officer, the head of a purchasing agency, or a designee of either officer shall have the authority, prior to the commencement of an action in court concerning the controversy, to settle and resolve the protest.

63-56-801 Protest to chief procurement officer -- Time -- Authority to resolve protest.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29059.htm

63-56-802 Effect of timely protest.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29060.htm

63-56-803 Costs to or against protestor.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29061.htm

63-56-804 Debarment from consideration for award of contracts -- Causes for debarment.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29062.htm

63-56-805 Authority to resolve controversy between state and contractor.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29063.htm

63-56-806 Decisions of chief procurement officer to be in writing -- Effect of no writing.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29064.htm

63-56-807 Creation of Procurement Appeals Board.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29065.htm

63-56-808 Rules of procedure to be adopted.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29066.htm

63-56-809 Decisions to be in writing.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29067.htm

63-56-810 Jurisdiction of Procurement Appeals Board.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29068.htm

63-56-811 Time limits to file protest or appeal -- Effect of filing.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29069.htm

63-56-812 Discontinued appeal with prejudice, except as authorized.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29070.htm

63-56-813 Factual determination of appeals board final and conclusive.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29071.htm

63-56-814 Right to appeal to Court of Appeals.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29072.htm

63-56-815 Jurisdiction of district court.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29073.htm

63-56-816 Effect of prior determination by agents of state.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29074.htm

63-56-817 Statutes of limitations.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29075.htm

63-56-818 Effect of violation prior to award of contract.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29076.htm

63-56-819 Effect of violation after award of contract.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29077.htm

63-56-820 Interest rate.
http://www.le.state.ut.us/~code/TITLE63/htm/63_29078.htm

CHAPTER TWELVE

12-1. Property Management

These are rules regarding property management such as quality assurance, inspection and testing. It also includes warehouse and storage, inventory management and procedures for getting rid of surplus property.

R33-8-101. Quality Assurance, Inspection, and Testing.

<http://www.rules.utah.gov/publicat/code/r033/r033-008.htm#T1>

R33-8-102. Warehousing and Storage.

<http://www.rules.utah.gov/publicat/code/r033/r033-008.htm#T2>

R33-8-103. Inventory Management.

<http://www.rules.utah.gov/publicat/code/r033/r033-008.htm#T3>

R33-8-201. Surplus Property.

<http://www.rules.utah.gov/publicat/code/r033/r033-008.htm#T4>

12-2. Inventory Control

These are UDOT-specific policies and procedures for inventory control. To provide an overview of the Inventory Control policies and procedures of the State of Utah as established by the Director of Finance, Department of Finance (DAS-Finance), in accordance with Utah Code Annotated 1953, Section 63-56-9, as amended, and the State of Utah Procurement Rules and Regulations.

<https://innerdot.udot.org/download.php?tid=66&file=05e-2.pdf>

12-3: Warehouse

These are UDOT-specific policies and procedures for warehouses. The purpose of this policy is to establish a procedure for the receipt and distribution of materials. Materials are received and distributed in accordance with generally accepted warehousing and material management practices.

<https://innerdot.udot.org/download.php?tid=66&file=05E-3.pdf>

CHAPTER THIRTEEN

13-1. Ethics Statement

This is UDOT's Rules of Ethics and Code of Conduct. The ethical conduct of public employees is a primary concern of the Utah Department of Transportation. The following policy outlines the department's expectations of employee conduct with regard to conflicts of interest, private business activities of officers and employees, and rules with which employees are expected to comply.

<https://innerdot.udot.org/download.php?tid=66&file=05C-30.pdf>

13-2. Illegal Activities

These are statutes about bribes and gifts. It is a felony to either offer or accept bribes.

63-56-1001 Felony to accept emolument.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29086.htm

63-56-1002 Felony to offer emolument.

http://www.le.state.ut.us/~code/TITLE63/htm/63_29087.htm

APPENDIX A

This is a link to UDOT Procurement Contacts.

<http://www.udot.utah.gov/download.php/tid=1297/UDOT%20Procurement%20Section%20Directory%20-%202006.pdf>

This is a link to State Purchasing Contacts

<http://www.udot.utah.gov/download.php/tid=1297/State%20Purchasing%20Directory.pdf>

APPENDIX B

This is a link to the commodity areas that each Procurement Services purchasing agent handles.

<http://www.udot.utah.gov/download.php/tid=1297/Commodity%20Contact%20List.pdf>